



12 JUL 2007

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In re Application of	:	
THOM et al.	:	
Application No.: 10/568,182	:	DECISION ON
PCT No.: PCT/GB04/03455	:	PAPERS UNDER 37 CFR 1.42
Int. Filing Date: 11 August 2004	:	
Priority Date: 13 August 2003	:	
Attorney Docket No.: 34-131	:	
For: FLOATING DRY DOCK SYSTEM	:	

This decision is issued in response to "Renewed Submission under 37 CFR 1.42" filed 10 July 2007. No petition fee is required.

### **BACKGROUND**

On 11 August 2004, applicants filed the above-identified international application which claimed a priority date of 13 August 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 13 February 2006.

On 13 February 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; and a preliminary amendment.

On 05 July 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 24 August 2006, applicants filed a declaration executed by Donald Scot Thom and Denise Ganley, on behalf of deceased inventor, Denis Ganley. In a decision dated 10 May 2007, applicants' request under 37 CFR 1.42 was refused.

On 10 July 2007, applicants filed a "Renewed Submission under 37 CFR 1.42."

### DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

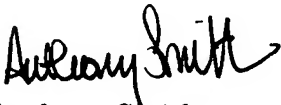
As stated in the previous "Decision," the declaration filed on 24 August 2006 was executed by Donald Scot Thom and Denise Ganley as the "executor" of the deceased inventor, Denis Ganley. The declaration has been executed by the proper party under 37 CFR 1.42. Counsel avers that, "it is respectively submitted and affirmatively asserted that the provided citizenship, residence information, and mailing address provided is that for both the legal representative and the deceased inventor. More specifically, on information and belief, the deceased inventor, Mr. Denis Ganley was a New Zealand citizen . . . Also, on information and belief, Denise Ganley is the executor, daughter and sole heir of Denis Ganley and is a citizen of New Zealand, a resident of Greenhithe, Auckland New Zealand and has the mailing address P.O. Box 23, Greenhithe, Auckland, New Zealand." **(The United States Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting above statement regarding citizenship, residence, and mailing address of the executor and deceased inventor as referenced under 37 CFR 1.497(a)(3) and 37 CFR 1.63.)** Therefore, the declaration is acceptable under 37 CFR 1.42

### CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

The application has an international filing date of 11 August 2004 under 35 U.S.C. 363, and will be given a date of 24 August 2006 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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